

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LYLE BREHM, on behalf of Willard F.)
Brehm, Gladys M. Brehm, the Willard F.)
Brehm Revocable Trust and the Gladys)
M. Brehm Revocable Trust, REX)
WELDON, on behalf of Nancy Weldon,)
Robert Clark Weldon and the Robert)
Clark Weldon and Nancy Weldon Trust,)
JILL SCHUNEMAN, on behalf of herself)
and the Jill Schuneman Living Trust,)
and DAVID BUCKLEY, on behalf of)
himself, the Robert L. McKissick)
Irrevocable Trust and the Brenda L.)
Buckley Revocable Trust, collectively on)
behalf of themselves and all others)
similarly situated,)

Plaintiffs,)

v.)

CAPITAL GROWTH FINANCIAL, LLC,)
BRIAN SCHUSTER, ENGLE &)
SCHUSTER FINANCIAL, INC.,)
AMERICAN CAPITAL CORPORATION,)
ROYAL PALM CAPITAL GROUP, INC.,)
ALAN JACOBS, MICHAEL JACOBS,)
GERALD PARKER, JOHN BOYCE,)
GERALDINE MAGALNICK, PATRICK)
HARRINGTON, PETER KIRSCHNER,)
and STARK WINTER SCHENKEIN &)
CO., LLP,)

Defendants.)

8:07CV254

ORDER

This matter is before the court on its own motion. The parties have submitted a proposed form of notice to class members. The parties were ordered to confer regarding the notice form. Class counsel invited all parties to participate in a conference on July 17, 2009. Defendants Stark Winter Schenkein & Co., LLP ("Stark Winter"), and Geraldine Megalnick elected to participate. Counsel for Stark Winter, Geraldine Magalnick, on her

own behalf, and class counsel agreed to the general substance of the notice. Class counsel proposes a 30-day opt-out period following notice and defendant Stark Winter proposes a 45-day period. In the interest of justice, the court finds that a 30-day period is appropriate. Accordingly,

IT IS ORDERED:

1. The proposed notice of class certification submitted to the court is approved, subject to a 30-day period to request exclusion from the class.
2. Within 7 days of the date of this order, class counsel shall mail (in the name of the clerk, by first class mail, postage prepaid) a notice, in substantially the form approved by the court, to all class members who can be identified through reasonable efforts.
3. Class counsel shall also cause an illustrative summary notice to be published in a widely-circulated business-oriented publication.
4. Within 7 days after the expiration of the opt-out period, class counsel shall file an affidavit identifying the persons to whom notice has been mailed and who have not timely requested exclusion.

DATED this 20th day of August, 2009.

BY THE COURT:

s/Joseph F. Bataillon
CHIEF DISTRICT JUDGE